

Practitioner's Docket No. DKT01126/03157**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Patent application

of _____
Inventor(s)for _____
Title of Invention

the specification of which is being transmitted herewith

OR

In re application of: Emilio Fabricius et al.Application No.: 0 / Group No.:Filed: Examiner:For: Friction-Lining Segment, Friction
Lining And Process For Its ManufactureAssistant Commissioner for Patents
Washington, D.C. 20231**INFORMATION DISCLOSURE STATEMENT****CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10****(When using Express Mail, the Express Mail label number is mandatory.
Express Mail certification is optional.)*

I hereby certify that, on the date shown below, this correspondence is being:

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- ☒ deposited with the United States Postal Service in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231
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- ☐ transmitted by facsimile to the Patent and Trademark Office.

Date: 10/21/03Signature Sheryl A. O'ConnorSheryl A. O'Connor

(Type or print name of person certifying)

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"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1998, 60 Fed. Reg. 56,438, at 56,442.

(Information Disclosure Statement [6-1]—page 1 of 9)

NOTE: "An information disclosure statement shall be considered by the Office if filed by the applicant:

- (1) Within three months of the filing date of a national application;
- (2) Within three months of the date of entry of the national stage as set forth in § 1.481 in an international application; or
- (3) Before the mailing date of a first Office action on the merits, whichever event occurs last."

37 C.F.R. § 1.97(b).

NOTE: "Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section." 37 C.F.R. § 1.56(a).

"Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) each inventor named in the application;
- (2) each attorney or agent who prepares or prosecutes the application; and
- (3) every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application." 37 C.F.R. § 1.56(a).

NOTE: The "duty as described in § 1.56 will be met so long as the information in question was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98 before issuance of the patent." Notice of January 9, 1992, 1136 O.G. 13 -25 at 17.

WARNING: "No information disclosure statement may be filed in a provisional application." 37 C.F.R. § 1.51(b).

List of Sections Forming Part of This Information Disclosure Statement

The following sections are being submitted for this Information Disclosure Statement:

(check sections forming a part of this statement; discard unused sections and number pages consecutively)

1. ☒ Preliminary Statements
2. ☒ FORMS PTO/SB/08A and 08B (formerly FORM PTO-1449)
3. ☐ Statement as to Information Not Found in Patents or Publications
4. ☐ Identification of Prior Application in Which Listed Information Was Already Cited and for Which No Copies Are Submitted or Need Be Submitted
5. ☐ Cumulative Patents or Publications
6. ☒ Copies of Listed Information Items Accompanying This Statement
7. ☒ Concise Explanation of Non-English Language Listed Information Items
 - 7A. ☒ EPO Search Report
 - 7B. ☐ English Language Version of EPO Search Report
8. ☐ Translation(s) of Non-English Language Documents
9. ☐ Concise Explanation of English Language Listed Information Items (Optional)
10. ☒ Identification of Person(s) Making This Information Disclosure Statement

(complete the following, if appropriate)

Sections _____, respectively, have been continued on ADDED PAGE(S).

NOTE: "Once the minimum requirements are met, the examiner has an obligation to consider the information." Notice of April 20, 1992 (1138 O.G. 37-41, 37).

(Information Disclosure Statement [8-1]—page 2 of 9)

Section 1. Preliminary statements

Applicants submit herewith patents, publications or other information, of which they are aware that they believe may be material to the examination of this application, and in respect of which, there may be a duty to disclose.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made (37 C.F.R. § 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists.

The filing of this information disclosure statement shall not be construed as an admission against interest in any manner. Notice of January 9, 1992, 1135 O.G. 13-25, at 25.

Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Complete if Known	
				Application Number	
				Filing Date	
				First Named Inventor	
				Group Art Unit	
Examiner Name				Emilio Fabricius et al.	
Attorney Docket Number				DKT01126/03157	
Sheet		of			

U.S. PATENT DOCUMENTS					
Examiner Initials	Cite No.	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		NumberKind Code (if known)			
		US- 4,260,047	04/07/1981	Nels	
		US- 5,332,075	07/26/1994	Quigley et al.	
		US- 5,713,450	02/03/1998	Quigley	
		US- 6,013,696	01/11/2000	Hill et al.	
		US- 6,035,991	03/14/2000	Willwerth et al.	
		US- 6,170,629 B1	01/09/2001	Suzuki et al.	
		US- 2002/0043441 A1	04/18/2002	Fujita	
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FOREIGN PATENT DOCUMENTS						
Examiner Initials	Cite No.	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T
		Country Code-Number-Kind Code (if known)				
		EP 0 771 962 A2	05-07-1997	Quigley et al.		
		EP 0 848 177 A1	06-17-1998	Willwerth et al.		

Examiner Signature		Date Considered	
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Substitute for form 1449B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Complete if Known		
				Application Number		
				Filing Date		
				First Named Inventor		Emilio Fabricious et al.
				Group Art Unit		
				Examiner Name		
Sheet		of		Attorney Docket Number	DKT01126/03157	

OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		EP Search Report for EP02023564.4 (priority document)	

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² Applicant is to place a check mark here if English language Translation is attached.

Section 6. Copies of Listed Information Items Accompanying This Statement

NOTE: 37 C.F.R. 1.98(a)(2) requires that any information disclosure statement filed under § 1.97 shall include: "A legible copy of: (i) Each U.S. and foreign patent; (ii) Each publication or that portion which caused it to be listed; and (iii) All other information or that portion which caused it to be listed, except that no copy of a U.S. patent application need be included"

NOTE: The wording in § 1.98(a)(2)(iii) makes it clear that the requirement to submit a copy of each item of information listed in an information disclosure statement does not apply to the citation of a U.S. patent application. Notice of January 9, 1992, 1135 O.G. 13-25, at 14.

Legible copies of all items listed in Forms PTO/SB/08A and 08B (formerly Form PTO-1449) accompany this information statement.

(complete the following, if applicable)

- ☐ Exception(s) to above:
- ☐ Items in prior application, from which an earlier filing date is claimed for this application, as identified in Section 4.
 - ☐ Cumulative patents or publications identified in Section 5.

(Information Disclosure Statement—Section 6. Copies of Listed Information Items Accompanying This Statement [8-1]—page 2 of 2)

Section 7. Concise Explanation of Non-English Language Listed Information Items

NOTE: 37 C.F.R. § 1.98(a)(3) provides that any information disclosure statement filed under § 1.97 shall include:
“(i) A concise explanation of the relevance, as it is presently understood by the individual designated in § 1.56(c) most knowledgeable about the content of the information, of each patent, publication, or other information listed that is not in the English language. The concise explanation may be either separate from applicant's specification or incorporated therein.

(ii) A copy of the translation of a written English-language translation of a non-English-language document, or portion thereof, is within the possession, custody, or control of, or is readily available to any individual designated in § 1.56(c).”

NOTE: “[T]he explanation required is limited to the relevance as understood by the individual designated in § 1.56(c) most knowledgeable about the content of the information at the time the information is submitted to the Office.” Notice of January 9, 1992, 1135 O.G. 13-25 at 14.

NOTE: “Where the information listed is not in the English language, but was cited in a search report by a foreign patent officer, the requirement for a concise explanation of relevance is satisfied by submitting an English language version of the search report.” Notice of January 9, 1992, 1135 O.G. 13-25, at 14.

NOTE: “The concise explanation requirement for non-English language information may be met by submission of an English language version of the search report indicating the degree of relevance found by the foreign office.” Notice of January 9, 1992, 1135 O.G. 13-25, at 20.

WARNING: “The requirement in § 1.98(a)(3) for a concise explanation of non-English language information would not be satisfied by a statement that a reference was cited in the prosecution of a parent application.” Notice of January 9, 1992, 1135 O.G. 13-25 at 20 (emphasis added).

Section 7A. Concise Explanation of Non-English Language Listed Information Items—EPO Search Report

The relevance with respect to the following citations listed on Forms PTO/SB/08A and 08B (formerly Form PTO-1449):

Page 2 of the EP Search Report shows the cited documents and how each reference was categorized by the EP Searching Authority.

is submitted on the basis of the accompanying:

(check the appropriate item)

- ☐ EPO search report that is in the English language,
☒ EPO search report that is not in the English language and that is accompanied
also by an English language version of the EPO search report

that issued on the corresponding European patent application.

(Information Disclosure Statement — Section. 7A. Concise Explanation of Non-English Language Listed Information Items [6-1]—page 8 of 9)

Section 10. Identification of Person(s) Making This Information Disclosure Statement

The person making this statement is

(check each applicable item)

- (a) ☐ the inventor(s) who signs below

SIGNATURE OF INVENTOR

(type name of inventor who is signing)

- (b) ☐ an individual associated with the filing and prosecution of this application (37 C.F.R. § 1.56(c))

SIGNATURE OF INVENTOR

(type name of inventor who is signing)

- (c) ☒ the practitioner who signs below on the basis of the information:

(check each applicable item)

- ☒ supplied by the inventor(s).
☒ supplied by an individual associated with the filing and prosecution of this application. (37 C.F.R. § 1.56(c))
☒ in the practitioner's file.

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Customer No.: 20879

Catherine B. Martineau
SIGNATURE OF PRACTITIONER

Catherine B. Martineau
(type or print name of practitioner)

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(Information Disclosure Statement—Section 10. Identification of Person(s) Making This Information Disclosure Statement [8-1]—page 9 of 9)